



**Town of Tyngsborough
Board of Appeals**

Town Hall-25 Bryants Lane
Tyngsborough, Ma 01879-1003
(978) 649-2300, Ext. 112

Board of Appeals Minutes from Oct. 13, 2005

1st Hearing: Hearing continued from August 11, 2005.

Atty. Doug Deschene representing Merrimac Landing Realty Trust, 91 & 95 Middlesex Rd. Assessors Map 27, Parcel 2-1 & Map 27, parcel 2. Applicants request to amend original application on a Comprehensive permit previously granted, applicant wants to change the layout of rental units from garden style apartments to townhouse style rental units. All other terms of the Comprehensive Permit will remain the same and no additional waivers are needed. I-1 Zone.

Atty. Deschene gave brief update of the new changes to the application. Presented the new designs.

Atty. Lisa Mead was also present to represent the board.

Motion to continue hearing to November 10, 2005 by Ralls. Seconded by Farrell. Vote 5-0

2nd Hearing: Continued hearing from Sept. 8, 2005.

Salvatore Lupoli DBA Sal's Realty, LLC, Westford Rd., Assessors Map 21, parcel 2F, request for variances for minimum lot area, front, and side yard set backs for the construction of a restaurant. I-1 Zone, section 2.12.50.

Received fax letter from dated 10/13/05 from Atty. Doug Hausler requesting this application be withdrawn without prejudice.

Motion to approve the withdrawal without prejudice by Farrell. Seconded by Ralls. Vote 5-0.

3rd Regular hearing

Atty. Pete Nicosia representing Marc Annese, 190 Massapoag Rd. request for special permit to change, extend, and alter a pre-existing non-conforming structure, and variance from the dimensional requirements for front, side, and rear lot lines for the construction of new house. R-1 Zone, sections 2.15.22, 2.12.50 of Tyngs. Zoning By-laws.

Atty. Doug Deschene presented the application to the board.

Three abutters were present to speak for the applicant. None spoke against.

Letter from Conservation read into the record dated Oct. 7, 2005.

Motion to close the public portion of the hearing by Ralls, Seconded by Farrell. Vote 5-0.

Discussed that this would be an improvement.

Motion to approve the special permit by Ralls. Seconded by Cloutier. Vote 5-0.

Motion to approve the variance by Farrell, Seconded by Ralls. Vote 5-0. Application approved as submitted.

Other Business:

Approve minutes from August 11, 2005- Motion to approve minutes by Cloutier. Seconded by Kydd. Vote 5-0.

Motion to close the meeting by Ralls. Seconded by Farrell. Vote 5-0.